

**MINUTES**  
**LAKE COUNTY PLANNING AND ZONING BOARD**  
**April 1, 2015**

The Lake County Planning and Zoning Board met on Wednesday, April 1, 2015 in County Commission Chambers on the second floor of the Lake County Administration Building to consider petitions for rezoning requests.

The recommendations of the Lake County Planning and Zoning Board will be transmitted to the Board of County Commissioners (BCC) for their public hearing to be held on Tuesday, April 7, 2015 at 9:00 a.m. in the County Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Paul Bryan, Chairman	District 5
Timothy Morris, Vice Chairman	District 3
Rick Gonzalez	District 4
Debbie Stivender	School Board Representative
Laura Jones Smith	District 2
Kathryn McKeeby, Secretary	District 1

**Members Not Present:**

Michael Mazzeo	At-Large Representative
Donald Heaton	Ex-Officio Non-Voting Military

**Staff Present:**

Chris Schmidt, Manager, Planning & Community Design Division  
Steve Greene, AICP, Chief Planner, Planning & Community Design Division  
Melving Isaac, Senior Planner, Planning & Community Design Division  
Rick Hartenstein, Senior Planner, Planning & Community Design Division  
Donna Bohrer, Office Associate, Planning & Community Design Division  
Erin Hartigan, Assistant County Attorney  
Victoria Bartley, Clerk, Board Support  
Ross Pluta, Engineer III, Public Works

Chairman Paul Bryan called the meeting to order at 9:00 a.m. and noted that a quorum was present and that the meeting had been duly advertised. He led the Pledge of Allegiance and gave the invocation.

Mr. Bryan explained the procedures for the meeting, noting that the cases on the consent agenda had been placed there by staff who were recommending approval on those without further discussion or public comment and that they were considered noncontroversial. He added that those who wish to speak on any of the cases on the Consent Agenda would fill out a card to do so and might result in that case being moved to the Regular Agenda, and he had several cards pulled for two agenda items. He stated that they were recommending

body, and the Board of County Commissioners (BCC) would have final authority on those cases at their next meeting on April 7, 2015. He asked if anyone wanted to make a public comment on something that was not pertaining to any of the zoning cases on the agenda, but no one wished to speak at that time.

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**REGULAR AGENDA**

Tab 6	PH-38-14-1	Lake Sumner Wakeboard/ Swiss Fairways PUD Amendment
Tab 7	FLU-2015-01-1	Sawmill Future Land Use Amendment

**Other Business**

**Adjournment**

**MINUTES**

**MOTION** by Tim Morris, **SECONDED** by Debbie Stivender to **APPROVE** the Minutes of February 4, 2015 of the Lake County Planning and Zoning Board meeting, as submitted.

**FOR:** Morris, Gonzalez, Bryan, Stivender, Smith, McKeeby

**AGAINST:** None

**MOTION CARRIED:** 6-0

**AGENDA UPDATES**

Mr. Steve Greene, Chief Planner, Division of Planning & Community Design, stated that there Tab 2, RZ-15/03/5 the Traylor Property Rezoning, and Tab 3, CUP-15-03-1 the Cypress Ridge Hunting Preserve, had speaker cards and would be moved to the Regular Agenda. He noted that the cases have been advertised in accordance with the law.

**CONSENT AGENDA**

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Tab 5	CP-2015-02	Mount Dora JPA Boundary Realignment

**MOTION** by Rick Gonzalez, seconded by Debbie Stivender to **APPROVE** the Consent Agenda which includes Tabs 1 and 2.

**FOR:** Morris, Gonzalez, Bryan, Stivender, Smith, McKeeby

**AGAINST:** None

**MOTION CARRIED:** 6-0

**Tab 2 – RZ-15/03/5 – TRAYLOR PROPERTY REZONING**

Mr. Rick Hartenstein, Senior Planner, Planning & Community Design Division, presented case RZ-15/03/5, Traylor Property Rezoning, mentioning that the owner and applicant is Edward Traylor who is requesting to rezone 0.31+/- acres from Planned Commercial (CP) to Community Commercial (C-2). He explained that the area is within a major commercial corridor, that the applicant had rezoned the area as CP several years ago with the intention of developing it as an indoor RV storage warehouse but the project did not come to fruition, and that Mr. Traylor currently leases the property to an interior auto upholstery business, which has now become a code enforcement issue. He explained that Mr. Traylor was applying for C-2 in order to resolve the code violations and to improve his marketability for the site. He specified that the C-2 zoning district is a permitted zoning district within the major commercial corridor and that the surrounding area is commercial with some residential behind it that has fencing already installed. He mentioned that if any future improvements are done to the property, a site plan will have to be submitted. He reported that the Lake County Comprehensive Plan Land Development Regulations Staff recommends approval with conditions, as set forth in the proposed ordinance.

He clarified that there was light manufacturing to the East and West that has been there for a long period of time, and as it has moved along with new commercial development it is being rezoned and brought into compliance with the Comprehensive Plan.

Ms. Smith inquired what the maximum density allowed in the nearby Mobile Home Rental Park (R6) was. Mr. Hartenstein responded that the maximum density allowed was six dwelling units per acre.

The Chairman opened the public hearing.

Mr. Andy Bernice, Chairman of the Council of the church located adjacent to the property, voiced a concern that changing the property's zoning to C-2 would result in a liquor store being built next to the church.

There being no one else who wished to address the Board on this matter, the Chairman closed the public hearing.

Mr. Hartenstein clarified that there was a State requirement that is regulated by ATF that states that the minimum distance of 1,000 feet of separation between a church and any liquor-selling establishment. He mentioned that the minimum is 1,500 feet for any adult entertainment establishments and a pre-existing religious institution, which is the distance that would be applied in this case as it is included in the Land Development Regulations (LDRs).

**MOTION by Tim Morris, seconded by Debbie Stivender to APPROVE RZ-15/03/5 – TRAYLOR PROPERTY REZONING.**



**FOR:** Morris, Gonzalez, Bryan, Stivender, Smith, McKeeby

**AGAINST:** None

**MOTION CARRIED:** 6-0

**Tab 3 – CUP-15-03-1– CYPRESS RIDGE HUNTING PRESERVE**

Mr. Hartenstein presented case CUP-15-03-1, Cypress Ridge Hunting Preserve, and explained that the applicant Mr. Greg Noland was seeking a Conditional Use Permit for a small-scale sporting and recreational/hunting camp for 40 +/- acres. He noted that the property was located on Mattioda Road in the South Groveland area and currently contains ten buildings comprising of one residential dwelling unit, one barn, three agricultural storage utility structures, a sauna, and four open air, shade-type structures. He reported that the CUP application was submitted to allow the property owner to operate a hunting camp and construct a 1200 sq. ft. maximum building to be utilized as guest quarters for the guests who attend the hunt camp. He specified that the hunting camp was a state licensed hunting preserve that is regulated by the Florida Fish and Wildlife Conservation Commission with the actual hunts being regulated by the state and is not connected to the CUP, which is to allow the applicant to have the accessory dwelling unit to be utilized as guest quarters only. He commented that the property is situated within the Green Swamp Core Conservation district, is currently zoned Agriculture, and the proposed conditional use for the camp is consistent with the Future Land Use category and the Land Development regulations as demonstrated in the analysis. He noted that the proposal had been reviewed by the Department of Economic Opportunity Critical State Concern division and their only comment had been the addition of another 20 acres to the 20 in the original application to satisfy the one dwelling unit to 20 acre density requirement. He reported that they had received two letters of support and two for opposition. He mentioned that to address some of the concerns listed in the letters of opposition, staff had discussed with the applicant some proposed additional conditions in the ordinance, which are as follows: under line item 5 on page 2, the addition of an Item f. to state that the operation of unlicensed recreational ATVs and dirt-bikes are prohibited on Mattioda Road; an addition to line item 2, Item c. under Fishing and Hunting, to add that the camp be limited to four guests maximum being present during any one hunt; and below line item 23, the addition of an Item c. stating that the importation of feral hogs for boar hunts as prohibited, as there is a problem with feral hogs in that area. He specified that these conditions had been discussed with Mr. Noland who accepts their addition. He concluded that staff recommends approval with conditions, as set forth in the proposed ordinance.

Mr. Greg Noland, applicant, clarified that the property was enclosed with an 8-foot high wire fence and that there is a single skeet range with two automatic throwers, but did not trap, and did not shoot at night.

The Chairman opened the public hearing.

**MOTION by Debbie Stivender, seconded by Laura Jones Smith to APPROVE CUP-15-03-1– CYPRESS RIDGE HUNTING PRESERVE with amended staff conditions.**

**FOR: Morris, Gonzalez, Bryan, Stivender, Smith, McKeeby**

**AGAINST: None**

**MOTION CARRIED: 6-0**

**Tab 6 – PH-38-14-1– LAKE SUMNER WAKEBOARD/SWISS FAIRWAYS PUD AMENDMENT**

Mr. Melving Isaac, Senior Planner, Planning & Community Design Division, presented case PH-38-14-1, Lake Sumner Wakeboard/Swiss Fairways PUD Amendment, and explained that the request was to amend PUD Ordinance #2012-56 to add 3 lake parcels to the legal description for a proposed wakeboard park as a recreational use. He reported that the owner is Summer Spot, LLC and that the applicant is Jeffrey C. Emmett. He relayed that the development was located in the Groveland area, north and south of CR 565A also known as Montevista Road and is a part of the Green Swamp Rural. He also indicated that the existing PUD Ordinance #2012-56 allows water – ski lakes under recreational uses. Ordinance #2012-56 will be replaced by the proposed ordinance. In addition, the existing PUD Ordinance #2012-56 requires the submittal of a ground/surface water monitoring plan. Lake County in coordination with Department of Economic Opportunity (DEO)/Green Swamp has prepared a monitoring plan to satisfy this requirement. The proposed monitoring plan is being included in the proposed PUD Ordinance amendment as Exhibit "C". At this moment, if the Applicant desires to proceed with water ski sports using a boat to pull the skiers, he will not be required to go through this public hearing process. Water ski activity in this development was approved in 1981. The recreational use of water ski, regardless of using a boat or cable to pull the skiers is already included in the existing PUD Ordinance. The Applicant was requested to submit this rezoning application in order to add 3 lake parcels to the legal description where the cables system will be installed. A site plan application will be required for the installation of the cable system. A community meeting was held by the Applicant on February 10, 2015. The Swiss Fairways Vacation Paradise Home Owners Association and some residents remain still opposed to the proposed wakeboard park regarding the use of the lake, traffic, parking and security/safety as noted in the attached opposition letters. In order to resolve the parking issue, the Applicant has indicated there will be no on-street parking on lands owned by the Applicant, but instead use only off street parking. In response to all opposition/concerns, the Applicant has provided a letter included



as Attachment 2. He concluded that staff recommends approval with conditions, as set forth in the proposed ordinance.

Mr. Jeffery Emmet, applicant, explained that he and his wife had a holiday home adjacent to the Swiss Resort, are members of the HOA (Home Owners Association), and are requesting an amendment to the current PUD ordinance to add 3 parcels to Lake Sumner which has been used for water skiing for the past 30 years. He relayed that he had included plans for a wakeboard cable system that will cover 25 percent of the deeper parts of the lake and have proposing this re-zoning by agreement with Summer Spot, LLC who are the new owners at the commercial zone at the Swiss Water Ski Resort. He reported that Summer Spot had purchased the rental business, pro shop, reception, and café bar with restroom facilities together with the majority of Lake Sumner, and so all these essential facilities are already in place and in close proximity to the beach and the lake edge, making them ideally located to support this proposal. He remarked that because this is a re-zoning application only, the plans and layouts submitted are conceptual but were included in order to demonstrate that the proposals are feasible and that they have taken the nearest dwellings into consideration. He specified that the full details will be the subject of the site plan application which will be submitted and considered at a later date. He mentioned as background information that Lake Sumner had been used by Swiss Water Ski Resorts for over 30 years, and the lake has seen very little use since the resort was split and sold. He explained that instead of a boat powered operation they wish to offer a more affordable alternative that they believe will complement the existing school. He commented that the usable lake area amounts to approximately 80 acres and they will be covering only 20 acres of that. He related that there are two cable systems being proposed; a 390 ft. slow, single cable for single riders and 2,200 ft. loop with the capacity for nine riders at a time. He pointed out that the system would be located well away from the main residential zone, but there is one lake side dwelling, so they have been careful to locate the nearest cable mast far enough out so that it will not affect the direct outward view from the property. He reported that they have kept the system away from the shallower wetland areas to the north to preserve and limit disturbance to the wildlife. He relayed that while there are residential homes in proximity to the lake, they are mainly rentals and are empty for most of the year, which is not good for the surrounding businesses such as the pro shop and café bar. He asserted that given the growing popularity of cable skiing, particularly amongst younger people, he believes that this additional facility is likely to attract other rental users into the resort and the general Clermont area. He commented that this will assist in bringing year round business to the resort as well as general additional recreational tourism in the area and the tax revenues that will flow from it, and is therefore likely to be a positive economic impact from this facility for Clermont. He explained that he and his wife will be investing \$750,000.00 of their own money into a state-of-the-art cable ski-wakeboard system which will offer many advantages over boat powered skiing, such as no pollution of the water by gas or oil, no pollution to the air by carbon emissions, and no noise pollution as the cable system is silent. He specified that there would be virtually no environmental impact compared to that of a gas-powered operation, that there would be water quality improvements due to aeration, would have no damage to the lake or lake bed, and would have no damage to wildlife since there are no propellers. He remarked that the system is not permanent and can be moved or completely

removed within a few days and that such a facility would promote tourism and employment in the Clermont area, as well as promote health and well-being amongst those who participate in the sport. He reported that there have been many letters of support and a petition from HOA members and other nearby residents, so the prospect of having such a facility nearby has clearly appealed to those resort home owners with children and will encourage other families to participate in the sport. He noted that they have work closely with staff to insure that the proposal is consistent with the Comprehensive Plan policies of Lake County.

Ms. Smith clarified that there is no public access to Lake Sumner, except for an Orange Grove on one side that may be used to access the lake illegally. She voiced her concern over how a cable system would affect the use of the lake for the people who reside or own property it and inquired how the applicant would be able to prevent those people from damaging or in any way accessing the proposed equipment.

Mr. Emmet reiterated that the cable system would only take up 20 percent of the lake, leaving the rest of the water open, and opined that the lake is not often used aside from fisherman at night, and LED lights could be installed on the poles so that people can be aware of them, of the five poles, three are close to the shore and they have left room for people to still be able to get from one side of the lake to the other and not be inconvenienced by the cable system

Ms. Smith pointed out that while the lake may be large, the water level does fluctuate to the point where the shallow areas become very marshy and that Mr. Emmet has partitioned for himself the part of the lake that always has water, so that is the area that people would operate boats or jet skis in.

Mr. Emmet commented that the system has been placed in a way that respects the nearest dwelling as well as the larger part of the lake. He clarified that the cable system would not obstruct the Swiss Fairways people from accessing the lake and that the only concrete ramp into the lake that can serve as a boat launch is on their property.

Mr. Emmet clarified that the anchoring system for this system would consist of pylons on a concrete base on concrete plates that are all lift-able, so there would be no excavation to the lake because the bases just rest on the bottom.

Mr. Kai Fusser, Rixen Cableways U.S., explained that he had been involved in over 50 cable parks world-wide. He clarified that the towers have a base that stand at a sixty degree angle with the tower held there by two guide wires that are held by 6x8 ft. concrete blocks that are 1 ft. thick, 5 or 6 stacked on top of each other and through that weight the tower is held up. He mentioned that he had worked on a cable system in Miami for a lake similar to Lake Sumner, as well as several other lakes around the world, that was mix-use with boat and paddle boarding activities on the other side. He remarked that a buoy chain or floating walkway is utilized in order to separate the cable system from the other users.



Mr. Emmet mentioned that they would be putting in a floating walkway for the safety of any participants that might fall off the system while wave-boarding.

The Chairman opened the public hearing.

Ms. Denise Grimm, property owner adjacent to the proposed park, mentioned that she had researched the other cable systems in Florida and all of them are located on private lakes, with the exception of a county park in Palmetto beach, so Lake Sumner is the only location where there would be multiple property owners. She explained that she and her husband had established the ski school in the 1980s and eventually built man-made lakes to accommodate the tournament skiers, only utilizing Lake Sumner during the peak seasons, and building their own house on Lake Sumner. She mentioned that in their original CUP, there were time restrictions for when they could be on the lake, in order to accommodate the other lake users and her concern now is that the water skiers would be going all day. She noted that the poles would obstruct her view of the lake and it would depreciate her property by 40 or 50 percent. She pointed out that out of the seventeen owners that lived on the road that would be utilized, only five gave their signatures in support for the project. She concluded that Lake Sumner is not a private lake.

Mr. Bryan clarified that the original CUP allowed a boat to operate on Lake Sumner Monday through Friday and half a day on Saturday and that allowance still exists in the current PUD. He pointed out that boats would not be able to operate in that area if a cable system was built.

Ms. Grimm specified that while the applicant says it is only 25 percent of the lake, she believes that is not correct, because he would be taking up half of the usable portion of the lake, since nobody uses the more shallow areas. She pointed out the location of her house on the map displayed on the monitor

Ms. Cecelia Bonifay, Akerman LLP, the attorney on behalf of Monte Vista Farms, group who has bought the PUD located on the east side of Sumner Lake and explained that their concerns were trying assess what impact this would have, since they border Lake Sumner. She mentioned that they had originally had objections, but after speaking to some of the opponents and listening to the data and conversation at the meeting, they still had additional questions about exactly who has ownership, as they had been under the impression it was a private lake. The concern is that the property is farther away and she doesn't know that they would have direct access to the lake due to the fluctuation in the water levels and how this might affect the wetlands. She pointed out that there is no community dock proposed in the PUD at this time. She specified that the owners are taking a wait and see attitude and that here are still a few questions that need to be resolved.

Ms. Smith asked if the planned unit development has designed lakefront homes or if the lakefront be used more as a community space.

Ms. Bonifay answered that there are "lakefront" homes, but there is a large wetland that essentially encircles the entire area and those wetlands will be in conservation easement and then there will be a wetland buffer that will probably be owned by the HOA, so this development would not have individual docks and do not currently have any kind of proposed dock or ramp

Ms. Smith inquired if even with the conservation easement and the wetland buffer, the homeowners are would be granted permission by SJRWMD to clear a specific portion of the wetlands to access out the lake if they wanted to build a boat dock or pier for their own personal use.

Ms. Bonifay responded that it would be up SJRWMD, but that they vary depending on the nature of the wetland, the particular use being asked for, and the number, but at this point they do not proposed that and would be up to an individual property owner to undertake that permitting on their own behalf.

Mr. Gonzalez clarified that they would have to go through a site permit process and Ms. Bonifay would have plenty of time to give her input as adjacent property owner

Ms. Bonifay mentioned that they would asked to be notified when they came back in with their site plan to really understand any impacts and opined that she believed they would find more information between now and the BCC meeting

Mr. Morris asked if Ms. Bonifay's client was for or against the establishment of the Wakeboard Park.

Ms. Bonifay answered that they had originally been against it, but they are currently waiting on more information before officially supporting or opposing it.

Mr. William A. Ray, representative of Swiss Fairways, explained that his client strongly objected to this use of the properties and that there were considerations that the Board had not been made aware of. He indicated that since the 1980s, the lakeshore around Lake Sumner has consistently been requested to be placed within a conservation easement, and noted that the current SJRWMD permit that was originally issued states that lands under the 97.5 foot elevation shall be permanently placed within a conservation easement allowing no development, filling, dredging, or clearing associated with that easement. He pointed out that there are no permits in place to alter those wetlands that are not included in the PUD, aside from the existing dock and boat ramp, and that the PUD states that the wetlands shall be unaltered and preserved in their natural state, which does not support a wakeboard facility being built. He asserted that the concrete blocks that would be put in the lake to support the cable system would be categorized as a filling activity by the state. He explained that it was correct that Lake Sumner is not private, because there are multiple owners and there is not one person that wholly owns the lake, therefore making it public. He opined that it was a leap to categorize the facility as an outdoor recreational, small-scale camp in the Green Swamp, particularly when the applicant has related it as a world renowned



international venue associated with a resort that will increase economic activity and diversity in the South Lake County area. He specified that the wakeboard facility was a commercial resort-base, extremely active, resource dependent use. He commented that this is an above-water, cable, permanently mounted facility located in a public water body that is asking to have access from a property that has a conservation easement on all lands adjacent to the lake that prohibits development and clearing. He reported that they had found out that there is a monitoring plan that is being imposed on his client that he had no participation in developing that regulates his use of the lake. He related that the marsh wetlands are actually a Sandhill Crane nesting habitat, which is listed as a threatened species by the Florida Game and Fresh Water Fish Commission. He specified that one of the specific identified threats to Sandhill Cranes are elevated cables and they are placing an above water cable system directly in Sandhill Crane nesting habitat. He related that staff asserts that there are no environmental impacts, but he has not seen the study that led them to that conclusion, nor do they have a traffic impact study despite the assertions that this facility will invite people to make trips there and if the parking facility can handle the influx. He asserted that if a recreational wakeboard facility that operates 365 days a year and is lit at night is adjacent to a development is approved as a small scale, outdoor recreational camp within a conservation easement, it could create a dangerous precedent for other areas of the Green Swamp. He concluded that they would be back before the BCC with a detailed report and that the owner of the remaining golf course and undeveloped land is opposed to this project.

Mr. Morris inquired how many other opportunities Mr. Ray would have to present his case after the BCC meeting, such as with the DEO or SJRWMD.

Mr. Ray responded that the public is always allowed to comment on permits being issued, but that this is the only opportunity that may change the results, as the other meetings would occur only if the application was approved, so then it would become an issue of what they would permit.

Mr. Gonzalez commented that judging from the comments heard today, it would seem that getting a permit would be very difficult.

Mr. Ray concurred and stated that as someone who had done environmental permits for over thirty years, if a client had come to him and said that they wanted to permit this on a public lake, in the Green Swamp area of critical state concern for a private commercial use associated with that water body, he would advise them very carefully before they started spending any money. He mentioned that he had gotten a golf course approved in the Green Swamp area once in the 1990s but had been told to remove it in the end even though it was an 80 percent open autobahn certified course. He specified that Swiss Fairways golf course had been built before the Comprehensive Plan had been adopted.

Ms. Stivender asked if there was a recorded conservation easement around Lake Sumner, as his presentation makes that unclear.

Mr. Ray answered that there are requirements for it but was not sure if one was ever done, but it continues to come up in the old and current St. John's permits and the current PUD, and stated he would find if one had been recorded before the next meeting.

Mr. Ron Thompson, president of the Swiss Fairways Vacation Paradise Home Owners Association, explained that his organization represented 47 homes in the Lake Sumner section and another 21 homes across the street on one of the man-made lakes. He reiterated that when the water is low, there is no access to the rest of the lake as it is only the south end that is useable and that Sumner is not a private lake because there are multiple land owners. He mentioned that he had appeared with the Grimms when they had requested use of the lake in the 80s and had been given the opportunity to ski there with restricted hours. He noted that the restriction had also included respecting the right of way of the fisherman and other users of the lake. He specified that the establishment of the cable system and walkway would restrict any use of the south end of the lake which is a hazard to the others who use the lake and any further development would not be able to utilize it either. He pointed out that the road there does not see much traffic now, but the wakeboard park's customers would bring in outside traffic that would create potential accidents. He mentioned that there was already an issue with parking due to the sale of the ski school to new owners who had greatly reduced the area used for golf course parking and has become primarily street side extending down closer to the residences. He conceded that applicant was proposing to create new parking for the customers, but explained that they do not see this as feasible since it would still interact with the golf course parking. He related that the HOA also had safety and security concerns regarding the possibility of increased traffic and curious guests coming to look around the neighborhood.

In response to a question from Mr. Gonzalez, Mr. Thompson said he represented the home owners association.

Mr. Mark Burriage explained that he had been coming to the Swiss Fairways ski school for 20 years and has been running a cable ski park for 2 seasons in London. He mentioned that there were many benefits to such a park and that it served as an affordable way for people to get into waterskiing.

Mr. Fusser commented that as a cable manufacturer, he had some interest invested in the system. He gave a brief history of how he was introduced to the sport and explained expounded on the positive impact that access to such parks have on children who love the sport. He reported that his company has done many environmental and noise studies and have concluded that there are no significant effects from the system itself, aside from the positive effect of oxidizing the water. He noted that a radio can be played from a boat or dock just as easily as the park customers and that the park operators would not want music blaring at all times either.

Mr. Morris inquired if there was a way to relocate the dock so that access from the north side of the lake would not be blocked.



Mr. Fusser responded that there was too much activity on the south side due to the cable system and the location of the beach for that to be possible. He clarified that the system would be the same as the one in the Orlando park, but that the project would be different as the Orlando park had been built specifically for high-traffic, high-volume events and the Lake Sumner park would be more of for the local community and neighborhood. He mentioned that the cable towers would not be obtrusive and would blend into the background of the lake. He clarified that in regards to the issue with birds, that these cables would be no different from the electrical lines that are everywhere.

The Chairman closed the public hearing.

Mr. Emmet clarified that he was not operating a ski school and saw this opportunity as a for retirement for his family. He explained that the golf course, the ski school, and the vacation houses were owned by three separate entities that used to be one and that he had a lease agreement for the property from the owners.

Mr. Gonzalez inquired if the letters of support had been written by home owners from the development.

Mr. Emmet answered that the letters were from a mixture of home owners that no longer had an HOA of their own, but are an integrated part of the Swiss ski school. He mentioned that most of the homes were owned by Europeans as holiday homes. He explained that the large mast in the photo Ms. Grimm referenced was actually located by the dock and is purposefully 500 feet from her house so that noise from the dock would not be able to disturb her, and that the nearest mast is smaller and still 300 feet from her house. He specified that they had designed the system specifically to limit the visual impact on the nearest property and that they intended to plant several trees to help screen the other masts from general view so as not to destroy the natural beauty of the lake.

Ms. Stivender clarified that the beach on the property had been there prior to Mr. Emmet's lease.

Mr. Emmet commented that Ms. Grimm had considered selling her property to a commercial operator with the suggestion that it could be used as a cable wakeboard system and that if she had wanted to ensure that her retained property value was maximized she would have sold it with restrictions. He mentioned that Ms. Grimm's property was currently on the market.

Ms. Stivender announced that she was leaving the meeting at 11:15 A.M.

Mr. Emmet opined that the original time restriction may have been due to the noise of the boats and reiterated that the cable system was silent. He related that the conditional permit that she had referred to was superseded by the ordinance that he is asking to amend. He commented that they do not intend for this to be like an Orlando attraction, that they are home owners and HOA members themselves, and that they intend for families and children

to be their main clientele. He specified that they wished to be good neighbors and that they have situated the dock area a considerable distance away from any of the properties in order to minimize any noise disturbance. He reported that after rezoning they would be commissioning a resurvey of the property limits to ensure that there is no encroachment on Ms. Grimm's title and that the current agreement was for operational hours to last from 8:00 A.M. to 8:00 P.M. but would be happy to accept any conditions the Board feels necessary. He clarified that there would be LED navigation lights on the lower parts of the masts to prevent boats from running into them, but would not be a distraction to any of the dwellings. He relayed that they had done depth studies and that the part of the lake they would use would not affect any of the Sandhill Crane habitat. He commented that as to traffic concerns, an increase in activity is necessary to sustain the existing facilities and they are proposing to put in a new parking lot with 24 spaces to allay parking concerns.

Ms. Smith clarified that Mr. Emmet would not likely pursue this business venture as a boat operated facility if he was unable to proceed with the cable system.

Mr. Gonzalez inquired if Mr. Emmet felt that all 68 home owners in the HOA were against this project since the HOA president had spoken out against it.

Mr. Emmet replied that he did not think that was the case due to the number of letters of support he had received from HOA home owners. He clarified that the owner of the ski school supported this endeavor and operated on one of the man-made lakes.

Mr. Bryan clarified that while the ski school does not currently operate on Lake Sumner, it did use to and the current PUD allows that use on the lake in the area that Mr. Emmet is proposing.

Mr. Gonzalez asked Mr. Isaac if the email he had referenced earlier dated December 29, 2014 from Ms. Grimm had stated that "the revised plan dated December 15 is a good layout for a cable system, it doesn't really bother my view of the lake".

Mr. Isaac replied that it did and explained that he had spoken to Ms. Grimm in his office in order to answer any questions she may have had, sent him the referenced email after that meeting, and then sometime later began emailing in opposition. He specified that the cable system included in the ordinance is a third revision that had been made mainly to keep away from the north wetlands area and to avoid affecting the view from Ms. Grimm's residences. He clarified that the request was only to approve the addition of the three parcels of land, not to approve the cable system, but that they have presented this information because they are not part of the legal description in the PUD ordinance. He commented that they are also taking advantage of revising the ordinance to specify the use of the Lake Sumner Wakeboard Park, so that they can go ahead with the site plan application once the parcels are approved.

Ms. Smith inquired if there was a need for the parcels to be brought into the PUD in order to operate the applicant's business when there are other businesses there already or if he could



apply for a permit from Swiss Fairways to operate the park since the parcels are just of the lake and have no land in them.

Mr. Isaac replied that yes, because the parcels were supposed to have already been included in the PUD, but were not and that staff had discussed the idea of permitting but ultimately determined that Mr. Emmet need the parcels in order to install the cable system.

Ms. Smith clarified that if the Board chose not to add the parcels into the PUD, a boat run wakeboarding or ski school could still operate in the lake without a cable system.

Mr. Morris asked if they could apply for a cable system with the SJRWMD or the DEO.

Mr. Isaac answered that the applicant need the parcels to be included in the PUD first, then the amended ordinance would go through the DEO, for state approval, and only after that would he be able to come back to the county with a site plan application, get approval from the DEO one more time, and then obtain any permitting from SJRWMD.

Ms. Smith voiced her concern that putting the cable system in the lake would cut off the other users, especially considering that it is not a private lake and there are other property owners, including the eventual residents in the homes that haven't been built yet. She commented that if the parcels are not in the PUD, the applicant would not be able to get the site plan for the cable system approved by the county.

Mr. Isaac explained that the use on the property is already allowed and it does not matter if a boat or cable system is used, but they are including it in the ordinance only for clarification for future use.

Mr. Bryan pointed out that if the property they are proposing to have the park put in is sovereign owned, they will not get permitting in the state, but if they have control of it over private ownership, then they have the right to move forward with their business. He mentioned that the wetlands conservation easement was brought up was important and needed to be addressed by SJRWMD. He opined that they have shown staff that they own the property and that the business venture is a continuation of what has been going on for 30 years as a commercial development with a lot of activity from the vacation villas, golf course, ski school, and café. He specified that the state would ultimately decide if a cable system would be allowed.

Ms. McKeeby commented that they were not the approving board of the cable system, and while she understood listening to their concerns, this board will only approve the parcels being added or not.

Ms. Erin Hartigan, Assistant County Attorney, pointed out that the proposed ordinance has the addition of a Lake Sumer Wakeboard park recreational facility under recreational uses and a diagram of the cable system under exhibit b.

**MOTION by Rick Gonzalez, seconded by Kathryn McKeeby to APPROVE PH-38-14-1- LAKE SUMNER WAKEBOARD/SWISS FAIRWAYS PUD AMENDMENT as presented.**

**FOR: Gonzalez, Bryan, McKeeby**

**AGAINST: Smith, Morris**

**MOTION CARRIED: 3-2**

**Tab 7 – FLU-2015-01-1– SAWMILL FUTURE LAND USE AMENDMENT**

Michele Janiszewski, Planner in the Department of Economic Growth, presented case FLU-2015-01-1, Sawmill Future Land Use Amendment, explained that the request amends the future land use map of four parcels consisting of approximately 101 gross acres from rural transition and rural future land use categories to urban low density and rural transition future land use categories. She specified that the parcels are located south of Clermont and east of CR 561, are currently vacant, and contain approximately 78 acres of uplands with the remaining acreage consisting of surface waters and wetlands. She mentioned that the applicant was proposing this amendment in order to increase the density allowed for the residential homes on the subject parcels. She reported that under the previous Comprehensive Plan, the subject property was designated as part of the suburban future land use category that allowed a maximum of density of three dwelling units per net acre and with the adoption of the 2030 Comprehensive Plan the future land use on the northern portion of the subject property was designated rural transition which allows a maximum density of one dwelling unit per one net buildable acre with fifty percent open space, the southern portion of the subject property was designated as the rural future land use category which allows a maximum density of one dwelling unit per five net buildable acres, and the proposed urban low future land use category allows a maximum density of four dwelling units per acre. She relayed that the parcels north of the subject site are designated as urban low density, the parcels to the east are rural transition, the parcels to the west are designated as rural transition, and the parcels to the south of the site are designated as rural. She related that the county is required to insure compatibility between densities and intensities of development and provide for appropriate land use transitions to protect the long term integrity of the both urban and rural areas. She explained that the rural transition future land use category is intended to address the edge conditions where the rural future land use and the urban future land use categories abut. She noted that the proposed amendment to create an appropriate transition between the parcels designated as rural and urban low density as required in the Comprehensive Plan. She specified that the applicant had submitted this Comprehensive Plan amendment last year that had been presented to the Planning and Zoning Board on April 2, 2014 and the Board had recommended denial for the suit, after which the applicant requested the withdrawal to allow for additional time to address the



concerns identified at the meeting. She mentioned that the applicant had held a public meeting to address the objections the previous week and the resubmitted Comprehensive Plan amendment includes the addition of 10 acres of uplands to the subject property. She explained that the proposed amendment will change the future land use categories on parcels to urban low and rural transition, which will be consistent with the surrounding existing land uses as well as create a logical development transition between the surrounding land uses. She concluded that staff recommendation is to approve the transmittal of the proposed amendment.

Mr. Morris left the meeting at 11:40 A.M.

Ms. Bonifay, representing the property owner, explained that this is a different, modified application over what was originally submitted and heard. He mentioned that there had been an owner of a 10 acre portion in the piece that had been opposed to this project, but the property has now been acquired and part of the overall PD development. She mentioned that they have resubmitted the environmental reports, a traffic study has been conducted, and the issue of school zoning had been addressed.

Mr. Momtaz Barq, Terra-Max Engineering, gave a presentation on the property, explaining that the total project area is 103.45 acres, the total upland areas is 78.51 acres, the current zoning is R-6, the current FLU is rural/rural transitional, the current use is vacant, and the proposed use is single family residential. He mentioned that the originally proposed densities were 4 DU/acre-net or 3.1 gross and that the revised gross density is 1.94 DU/acre-2.55 net -3.42 net. He reported that they were proposing joining this property as a PUD and would be submitting an application after the hearing, and mentioned that they wanted to do the PUD in order to condition the land use based on discussions with the community and previous discussions with the Planning and Zoning Board. He specified that there area was no longer rural, though some of the residents would prefer that it was, but the area had been developed as subdivisions. He displayed on the monitor the proposed layout imposed on the existing parcel maps and it is similar to the other subdivisions that have been built in the area whose gross densities range between 1.1 to 4.0. He commented that there are currently about 51 lots of units around the lake, excluding theirs, and access to about 129 lots. He reported that the community had concerns with the amount of lake access and that they had decided to limit the amount of access to the 15 lots they are proposing with no public access to the lake. He added that they were proposing to get a Fish and Wildlife permit to clean up their side of the lake in order to remove the exotic plants and replant to enhance the quality of the lake as much as possible. He relayed that an Environmental Assessment had been conducted in December 2013 which had identified a protected species on site, the Gopher tortoise. He specified that the community had listed several other species located there that heir survey did not find, but that they would double check to make sure and update the assessment. He related that a Wetland Assessment had been conducted in December 2013 where wetland areas were identified and flagged on site and no nesting areas observed. He displayed a conceptual plan for the property on the monitor to demonstration how they would buffer the users from adjacent properties. He mentioned that they had examined the schools and found that there is enough capacity for this project. He explained that they had

commissioned a Transportation Facilities Analysis traffic study to show that there is capacity in the system and the roadway networks up until the year 2030. He specified that additional studies would be done once they submitted their rezoning application. He mentioned that they are proposing central water and sewer facilities, with water coming from Lake Inc. and a central sewer system that would be collected in a lift station to be pumped into a baghouse system located on a property used solely for sewer disposal. He explained that they have made this request because they have examined population growth studies and believe that there will be substantial growth in Lake County in the coming decades. He asserted that this is an excellent area for this project due to the growth trend and the use of that area, as well as the fact that it is located about 2,500 feet outside of the Green Swamp area and therefore not on any environmentally sensitive lands. He mentioned that the community had had concerns about additional development in that area and its impact on the water quality of the lake, the traffic, and the school capacities, which he believed they have addressed and have accordingly reduced their densities from the original submittal, widened their lots to match what is being developed around the lake, and limited the number to 16 lots. He noted that some residents had expressed concern over the location of the lift station and explained that it would be located to the south of the property with a buffer of 1,200 feet. He urged the Board to look at the project as a compatible use based on the maps they have displayed and the subdivisions that have been approved and built around the property.

The Chairman opened the public hearing.

Mr. Doug Shields, resident speaking on behalf of several homeowners, explained that the Board had had concerns about how the proposed density matched with the existing densities of the property when this project was presented last year. He displayed on the monitor the plat submitted by the applicant superimposed over the empty lot and mentioned that the proposed houses are much denser than surrounding neighborhoods. He mentioned that the applicant asserted that they had widened their lots to supposedly match another subdivision, but pointed out that there only seven homes on one side of the lake but a proposed two hundred on the other. He remarked that the proposed sewage system would have to pump sewage over a mile away, which may not be sensible.

Ms. Bonifay gave a rebuttal on behalf of the applicant and explained that the property had been sold to another developer that had lost it to the bank and then purchased out of foreclosure, which is why it has been dormant for so long. She asserted that area is no longer rural and has not been rural for some time in terms of what has actually developed. She specified that the current residents may have built less densely, they are still classified as an urban low density which allows up to four houses. She pointed out another urban low subdivision that would be using the same sewer plant that is owned by the applicant which is where the private utility would allow for the expansion of the waste water treatment plant. She related that if more residential units in around the lake, the water quality would improve because the units would be on central water and sewer and the homes currently there utilize septic tanks and wells. She asserted that it would be logical to continue the current



development pattern in this area so that significant density is not allowed further into the Green Swamp.

Mr. Barq acknowledged that there are some lots that had a larger width on the lake, but mentioned that the lots are wider in the back than the front so they do match. He pointed out that several of the surrounding subdivisions are at a higher density than what they are proposing.

Henrik Edeback explained that he lives across the lake from proposed development and mentioned that all houses in his neighborhood had 100 foot front properties.

Mr. Barq explained that they had examined the majority of the properties that they had information on.

The Chairman closed the public hearing.

**MOTION by Laura Jones Smith, seconded by Kathryn McKeeby to APPROVE FLU-2015-01-1- SAWMILL FUTURE LAND USE AMENDMENT as presented.**

**FOR: Gonzalez, Bryan, McKeeby, Smith**

**AGAINST: None**

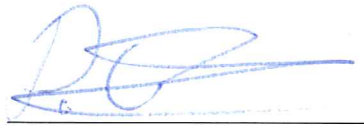
**MOTION CARRIED: 4-0**

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 12:23 p.m.

Respectfully submitted,

  
Victoria Bartley  
Clerk, Board Support

  
Paul Bryan  
Chairman